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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/474,660 12/29/99 LANSFORD

J 42390.P7301

EXAMINER

TM02/1009

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ART UNIT	PAPER NUMBER

2635
DATE MAILED:

10/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/474,660

Applicant(s)

LANSFORD ET AL.

Examiner

William L Bangachon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Examiner's Response

1. In response to the application filed 22 March 2000, the application has been examined. The Examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. It is the Examiner's position that claims 1-24 are unpatentable for the reasons set forth in this Office action:

Information Disclosure Statement

2. It is noted that there is no PTO 1449 submitted with this application. The listing of references in the specification (page 5, lines 12-18) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "HomeRF device", the "Bluetooth device", "contention-free period", "a computer system programmed to

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implement the method of claim 10", and "set of instructions" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-14, 16-17, and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,123,029 (Bantz et al).

With regards to claim 1, Bantz et al teach of a method of communicating between electronic devices {see whole document} such as a base station (figures 1 and 1A, 26 or 28) in communication with remote or mobile stations (10, 12, 14, 16) comprising; operating a first device/base station (26 or 28) at a first hopping frequency during a first period of time ("hop" B1) wherein a second device (10) communicates with the first device, and at a second hopping frequency during a second period of time ("hop" B2) wherein a third (12) device communicates with the first device (10) within a single block / frame (figure 3A) {see column 6, lines 36-61}. In frequency hopping spread spectrum {column 2, lines 25-44; column 5, lines 31-43}, the frequency of the transmitter changes at intervals of time wherein the frequency remains constant at a predetermined interval

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of time and that no transmissions may occur on a "hop" boundary {column 3, lines 9-20}. "Hops" B1 and B2 are conveyed to the base station in a single block/frame {column 7, lines 1-8}. Clearly, "hop" B1 contains a first hopping frequency during a first period of time and "hop" B2 contains a second hopping frequency during a second period of time. Also see column 7, lines 29-45 with regards to implementing a fixed first or second period of time as compared to a variable time period.

Claims 2-6 are directed to the remote mobile devices communicating with the first device in a contention free periods (second and third devices communicates with the first device in a contention free period). The contention free periods are determined in an X1 or X2 message {paragraph bridging columns 5 and 6; column 7, lines 9-28}. Furthermore, the frames/blocks are subdivided to allow flexible allocation of time to three of use of the channel, namely, fixed time-slotted allocation of time to various remote stations and various contention mechanisms {column 1, lines 28-35}.

Claims 7-9 recites the claim limitations of claims 1-6 and therefore rejected for the same reasons further comprising determining of a contention free-period/hop of when the first and/or second devices/remote stations can communicate with the first device/base station based on a request/initiating signal by the first and/or second devices. See column 6, lines 44-50; column 12, lines 21-28 and lines 37-44.

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Claims 10-14 recites the claim limitations of claims 1-9 and therefore rejected for the same reasons. Also see column 13, lines 6-20.

In claims 16 and 21, a computer system (figure 2) programmed to implement the method of Bantz et al {column 5, lines 23-43}.

In claim 17, (referring to figure 1A) the mobile stations or base station comprising a laptop or hand held computer, antenna 42 and transceiver adapter (44). See column 4, lines 37-44.

In claims 22 and 23, the computer system further comprises a set of instructions/software (46 or 48) {column 4, lines 44-47}, program storage (66) and data storage (68) {paragraph bridging columns 4 and 5}.

9. Claims 15, 18-20, and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,123,029 (Bantz et al).

With regards to claims 15, 18-20, and 24 Bantz et al does not disclose a Bluetooth device and a HomeRF device for communicating with the base station (26 or 28). However this claim limitations would have been obvious in the system of Bantz et al to one of ordinary skill in the art. Bantz et al teach that efficient radio channel usage is the basic requirement for a practical indoor radio data network {column 2, lines 3-4

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and 25-28}. Indoor radio data network is analogous to a HomeRF. Bantz et al teach having different media-access protocols to be used for each interval in a frame/block {column 3, lines 1-8}. Clearly, the base station of Bantz et al is capable of communicating with mobile devices having different communication protocols. Clearly, whether or not, the Bluetooth device has a different communication protocol from the HomeRF device, the base station is capable of communicating to both devices. Therefore, it would have been obvious to one of ordinary skill in the art to have used a Bluetooth device and a HomeRF device for communicating with the base station of Bantz et al because the base station is capable of communicating with mobile devices having different communication protocols.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 5,241,542 (Natarajan et al) is cited in that it related to the Bantz et al reference and teaches of multi-access protocols for portable mobile computer users, as well as movable boundary protocols for supporting integrated voice/data users in mobile indoor radio network. See whole document.

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- US 5,844,900 (Hong et al) is cited in that it teaches of a method and apparatus for optimizing a medium access control protocol similar to the disclosure of Bantz et al. See whole document.

Examiner Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L Bangachon whose telephone number is 703-305-2701. The examiner can normally be reached on 5/4/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

William L Bangachon
Examiner
Art Unit 2635

October 1, 2001

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
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